

Jeffrey A. Rosenthal
CLEARY GOTTLIEB STEEN & HAMILTON LLP
One Liberty Plaza
New York, New York
10006 (212) 225-2000
Counsel for Defendant
Robert Bosch LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE MERCEDES-BENZ EMISSIONS
LITIGATION

Civil Action No. 16-881 (JLL) (JAD)

Motion Date: February 5, 2018

ELECTRONICALLY FILED

ORAL ARGUMENT REQUESTED

**DEFENDANT ROBERT BOSCH LLC'S NOTICE OF MOTION AND MOTION TO
DISMISS FOURTH CONSOLIDATED AND AMENDED CLASS ACTION
COMPLAINT PURSUANT TO FED. R. CIV. P. 9(b), 12(b)(1) AND 12(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Local Rule 7.1, on February 5, 2017 or at such other date as may be agreed upon or ordered, at the United States District Court for the District of New Jersey, located at 50 Walnut Street, Newark, New Jersey, Defendant Robert Bosch LLC will and hereby does move this Court to dismiss the Plaintiffs' Fourth Consolidated and Amended Class Action Complaint and Demand for Jury Trial ("FAC"), ECF No. 107.

PLEASE TAKE FURTHER NOTICE that this Motion is made pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and is based on this Notice of Motion, accompanying Memorandum of Law, all pleadings and papers filed herein, oral

argument, if any, and any other matter that may be submitted at any hearing of this Motion. A proposed form of Order is also submitted.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Respectfully Submitted,

**CLEARY GOTTlieb STEEN & HAMILTON
LLP**

*Attorneys for Defendant
Robert Bosch LLC*

DATED: November 9, 2017

By: s/Jeffery A. Rosenthal
Jeffrey A. Rosenthal
Carmin D. Boccuzzi, Jr.
One Liberty Plaza
New York, NY 10006
Tel. (212) 225-2000
Fax: (212) 225-2086
jrosenthal@cgsh.com

Matthew D. Slater
2000 Pennsylvania Avenue NW
Suite 9000
Washington, DC 20006
Tel. (202) 974-1500
Fax: (202) 974-1999
mslater@cgsh.com